

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 60

**SENATE BILL 1266**

AN ACT

AMENDING SECTION 36-2026, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-2026.01 AND 36-2026.02, ARIZONA REVISED STATUTES; RELATING TO EVALUATION AND TREATMENT OF PERSONS IMPAIRED BY ALCOHOLISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-2026, Arizona Revised Statutes, is amended to read:

36-2026. Emergency admission

A. A publicly intoxicated person may be brought by a peace officer or any other person to an approved local alcoholism reception center for emergency evaluation and treatment if the intoxicated person:

1. ~~Has threatened, attempted to inflict physical harm, or inflicted physical harm upon himself or another~~ ON SELF OR OTHERS, and is likely to inflict physical harm on himself or another SELF OR OTHERS unless admitted.

2. Is incapacitated by alcohol.

B. A peace officer who has reasonable cause to believe that a person is intoxicated in a public place and such person is or may be a danger to himself SELF or others may transport such person to a local alcoholism reception center. ~~No~~ Unnecessary or unreasonable force shall NOT be used in transporting such THE person and the person shall not be subjected to any greater restraint than is necessary to transport such THE person to the local alcoholism reception center.

C. A peace officer, who has reasonable cause to believe that a person is intoxicated in a public place or a place open to the public and such THE person is or may be a danger to himself SELF or others and there is no responsible person immediately available to assist such THE intoxicated person, may transport such THE person to a detention facility provided IF BOTH OF the following circumstances exist:

1. ~~No~~ A local alcoholism reception center or other approved facility is NOT available within ten miles of such place; or

2. ~~Such~~ THE peace officer has determined that the local alcoholism reception center or other approved facility is filled to capacity and has no further capacity at the present time to provide evaluation and treatment services to additional persons. ; and

~~3.~~ 2. Such THE peace officer has been informed by the governing body of the city or town or the board of supervisors of the county in which he THE PEACE OFFICER is employed that the deputy director of the division of behavioral health has determined that such city, town or county has made a reasonable effort to provide adequate local alcoholism reception services for persons incapacitated by alcohol and, based on such THAT determination, has issued a renewable three-month temporary waiver to allow the transportation of certain intoxicated persons in such THE city, town or county to detention facilities pursuant to this section. Such THE determination may be made by the deputy director upon ON application by the governing body of the city or town or the board of supervisors of a county.

D. An intoxicated person received or accepted by a local alcoholism reception center or detention facility shall not be subject to unnecessary or unreasonable force. The local alcoholism reception center or detention facility shall use such methods and exercise such restraint of the

1 intoxicated person as is reasonably necessary for the safety of such person  
2 and others and consistent with the provisions of this section.

3 ~~E. Unless a petition is filed pursuant to section 36-2026.01, The~~  
4 administrator in charge of an approved local alcoholism reception center  
5 shall discharge any person admitted pursuant to this section not more than  
6 twenty-four hours, excluding weekends and holidays, after the person requests  
7 to be discharged or after the administrator on advice of the medical staff  
8 determines that the grounds for admission no longer exist.

9 F. Any person transported to a detention facility pursuant to this  
10 section may be held in protective custody until such ~~THE~~ person is no longer  
11 intoxicated, until released to a responsible person or for a period not  
12 exceeding twelve hours, whichever occurs first.

13 G. Any person released from protective custody pursuant to this  
14 section may ~~upon his~~ AT THAT PERSON'S request be transported to a local  
15 alcoholism reception center or approved facility for evaluation and treatment  
16 provided such facilities are available.

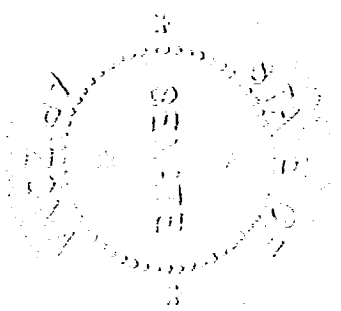
17 H. ~~No~~ A person held in protective custody pursuant to this section  
18 ~~shall be~~ IS NOT considered to have been arrested or to have been charged with  
19 any crime ~~nor shall he~~ AND MAY NOT be fingerprinted or photographed for any  
20 reason.

21 Sec. 2. Repeal

22 Sections 36-2026.01 and 36-2026.02, Arizona Revised Statutes, are  
23 repealed.

APPROVED BY THE GOVERNOR APRIL 22, 2002.

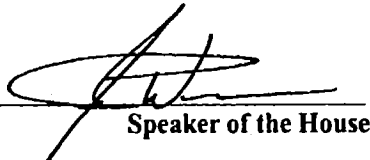
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2002.

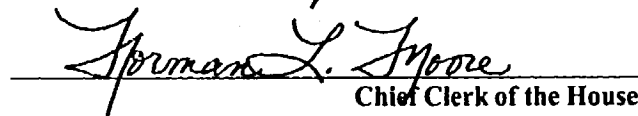


Passed the House April 16, 2002,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

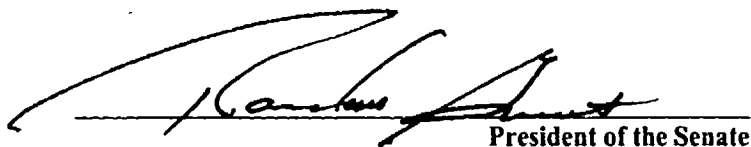
  
Speaker of the House

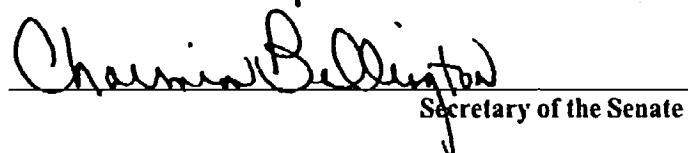
  
Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

  
President of the Senate

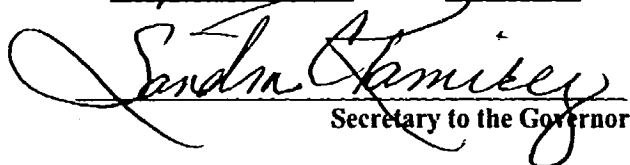
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2002,

at 11:14 o'clock A M.

  
Secretary to the Governor

Approved this 22 day of

April, 2002,

at 2:46 o'clock P M.

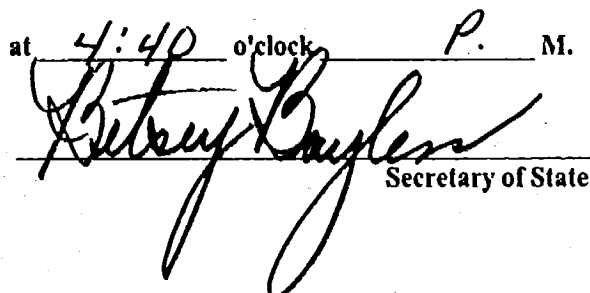
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2002,

at 4:40 o'clock P. M.

  
Secretary of State

S.B. 1266